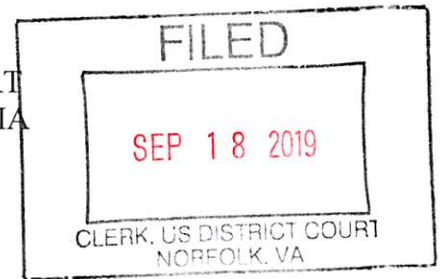


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



MERICO OGBURN, #92742-020,

Petitioner,

v.

Civil Action No.: 2:18cv691

MARK BOLSTER, Acting Warden,

Respondent.

FINAL ORDER

Before the Court is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. ECF No. 1. In his Petition, the *pro se* Petitioner challenges his institutional convictions for possession of a hazardous tool, for an incident which occurred on February 18, 2013; possession of intoxicants, for an incident which occurred on August 28, 2015; and possession of a hazardous tool, for an incident which occurred on May 1, 2018. As a result of these institutional convictions, Petitioner lost Good Conduct Time credits. Specifically, Petitioner argues that the Bureau of Prisons failed to provide him copies of the Discipline Hearing Officer reports and that therefore, he was unable to appeal the decisions. *Id* at 6.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and the April 2, 2002 Standing Order on Assignment of Certain Matters to United States Magistrate Judges. In a Report and Recommendation entered on August 12, 2019, the Magistrate Judge recommended that the relief sought by the Respondent's Motion to Dismiss be GRANTED, and the Petition be DENIED AND DISMISSED WITH PREJUDICE. ECF No. 9. The parties were

advised of their right to file written objections to the Report and Recommendation. Neither the Petitioner nor the Respondent has filed objections with the Court and the time to do so has expired.

Having reviewed the record and having heard no objection, the Court agrees with the Report and Recommendation on the grounds stated by the Magistrate Judge and **ADOPTS** and **APPROVES** the Report and Recommendation, ECF No. 9, in its entirety as the Court's own opinion. Accordingly, the Respondent's motion to dismiss, ECF No. 6, is **GRANTED**, and the Petition, ECF No. 1, is **DENIED** and **DISMISSED WITH PREJUDICE**. It is **ORDERED** that judgment be entered in favor of Respondent.

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty days from the date judgment is entered. Because Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. *See Miller-El v. Cockrell*, 537 U.S. 322, 335–36 (2003).


The Clerk is **DIRECTED** to forward a copy of this Order to the Petitioner and counsel of record for Respondent.

It is so **ORDERED**.

Norfolk, Virginia

Date:

Sept 18, 2019



Arenda L. Wright Allen
United States District Judge